

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARPENTERS' DISTRICT COUNCIL OF)	
GREATER ST. LOUIS, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:06-CV-73 (CEJ)
)	
KRI MIDWEST, INC.)	
)	
Defendant.)	

ORDER

This matter is before the Court on plaintiffs' motion for an order of contempt against Kercell Parker for his failure to comply with an order directing him to appear for deposition and to produce the financial records of defendant KRI Midwest, Inc. (KRI).

Plaintiffs filed this action to collect delinquent contributions to employee benefit plans due under the terms of a collective bargaining agreement entered into by defendant KRI. Defendant failed to appear or file an answer or other response to the complaint and, on July 21, 2006, the Court entered default judgment against defendant KRI in the amount of \$11,482.88. On March 12, 2007, plaintiffs served a notice of Rule 69 deposition and request for production of documents upon Kercell Parker, an officer of defendant KRI. Mr. Parker failed to appear for the deposition scheduled for April 4, 2007. On May 15, 2007, the Court ordered Mr. Parker to appear for deposition not later than June 25, 2007, and to produce documents.

Counsel for plaintiffs attests that Mr. Parker did not appear for a properly noticed deposition on June 22, 2007. Plaintiffs


move the Court to find defendant KRI and its officer(s) in contempt of the Court's order and to impose a monetary compliance fine of \$200 per day for each day of noncompliance. Plaintiffs also seek attorney's fees and expenses incurred in bringing the contempt motion. Before imposing a sanction, the Court will give defendant KRI and Mr. Kerzell Parker the opportunity to explain their failure to comply with the previous order directing them to appear for Rule 69 deposition.

Accordingly,

IT IS HEREBY ORDERED that Kerzell Parker shall appear before this Court, in person, on Thursday, August 23, 2007, at 11:00 a.m., in Courtroom 14-North, to show cause why he should not be held in contempt for failing to comply with the Order entered on May 25, 2007. Kerzell Parker is advised that failure to appear in person may result in a finding of contempt, punishable by fine and/or imprisonment.

IT IS FURTHER ORDERED that the United States Marshals Service shall serve a copy of this order upon Kerzell Parker at the following address:

Kerzell Parker
KRI Midwest, Inc.
115 S. Creston
Belleville, IL 62223


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 25th day of July, 2007.